



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
FORT MCPHERSON, GEORGIA 30330-6000

REPLY TO
ATTENTION OF
AFLG-PR

13 January 2000

MEMORANDUM FOR ALL FORSCOM DOCS

SUBJECT: Contracting Information Letter (CIL) 00-11

1. This CIL contains information on the following subjects:

- a. FORSCOM Policy Memorandum CG99-2, Commander's Coin Medallion Awards Program,
- b. Early Placement/Delayed Placement of DA Career Interns,
- c. Wage Rates in Relation to Bargaining Agreements and Successorship, and
- d. Debriefing A-76 Solicitations.

2. FORSCOM Policy Memorandum CG99-2, Commander's Coin Medallion Awards Program. Reference memo, AFCG (500), 5 November 1999, SAB (encl 1). Subject memo establishes guidelines to facilitate the proper use of unit coin medallions for awards and recognitions.

3. Early Placement/Delayed Placement of DA Career Interns.

a. Before a DA career intern can be **placed early** (before anticipated graduation date), a written request must be submitted to the FORSCOM PARC stating that the intern has completed all required training and is ready to be placed. In order to execute funds allocated to your career program, the intern needs to remain on ACTEDS rolls until graduation or until a replacement has been selected.

b. If an intern's training plan needs to be **extended**, a written justification must be submitted to the FORSCOM PARC six months prior to graduation stating reasons for the delay. A proposed training plan for the remaining six months of the internship plus the extended period must also be submitted. For additional information, please contact Clyde Thomas at DSN 367-6372.

4. Wage Rates in Relation to Bargaining Agreements and Successorship. At enclosure 2 is a summary of correspondence regarding a potential request from Labor Unions to include

AFLG-PR

SUBJECT: Contracting Information Letter (CIL) 00-11

statements in solicitations concerning escalated wage rates as a result of bargaining agreements and successorship. For additional information, please contact Ms. Henrietta White at DSN 367-6916.

5. Debriefing A-76 Solicitations.

a. This article is issued to provide guidance for conducting pre-award and post-award debriefings in an A-76 environment. The nature of the A-76 process complicates the timing for conducting debriefings in a best value, trade-off source selection, and is not specifically addressed in FAR and its supplements.

b. Debriefings may be conducted in accordance with the FAR at the discretion of the contracting officer (KO) taking into account the specific issues surrounding the acquisition. Recommendation is that debriefings be provided, if requested, after the following events:

(1) Pre-Award Debriefs (pre-award debriefs do not include disclosure of price or cost information):

(a) After competitive range determination. After the competitive range is determined by the SSA, the contracting officer may conduct pre-award debriefs per FAR 15.505. However, the KO has the discretion to delay the pre-award debriefing when, for compelling reasons, it is not in the best interests of the Government to conduct the debriefing at that time. At the latest, the requested pre-award debrief must be conducted at the time post-award debriefings are conducted and must include information at FAR 15.506(d). If thus delayed, the pre-award debrief essentially becomes a post-award debrief.

(b) After selection of best-value offeror. The contracting officer may advise offerors when a best value selection has been made by the SSA. If unsuccessful offerors request a debriefing, the KO may conduct a pre-award debriefing and disclose the best value (BV) offeror's identity but not cost information. This is still a pre-award debrief since no award has been made. Offerors, however, have been otherwise excluded from competition. Though selection by the SSA of the best value contractor is not an award decision for purposes of post-award debriefs, it does represent the selection of a source, the end of

AFLG-PR

SUBJECT: Contracting Information Letter (CIL) 00-11

the source selection process, and therefore release of the name of the BV contractor is appropriate.

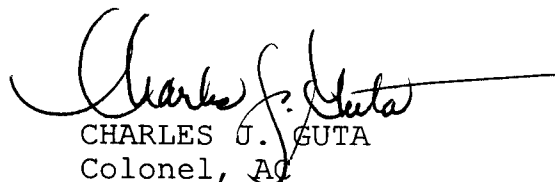
(2) Post-Award Debriefs:

(a) After initial decision by the SSA. The KO may conduct post-award debriefs (FAR 15.506) to include cost information after the initial decision is made by the SSA. The SSA makes an initial decision to either award a contract or retain the work in-house based on cost information from the A-76 cost comparison analysis. The initial decision also starts the A-76 administrative appeals process wherein interested parties may appeal the cost comparison process. Conducting post-award debriefs at this point allows the protest period to start and run concurrently with the appeals period.

(b) After final decision by the SSA. The KO may conduct post award debriefs to include cost information after the final decision is made by the SSA. The SSA makes a final decision after expiration of the appeals period or after resolution of all appeals

c. For additional information or questions, please contact Henrietta White, 404-464-6916 or DSN 367-6916, whitehg@forscom.army.mil.

2 Encls
as



CHARLES J. GUTA
Colonel, AC

Chief, Contracting Division, DCSLOG
Principal Assistant Responsible
for Contracting



DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
1777 HARDEE AVENUE SW
FORT MCPHERSON, GEORGIA 30330-1062

NOV 29 1999

REPLY TO
ATTENTION OF
AFCG (600)

5 November 1999

MEMORANDUM FOR

COMMANDERS, MAJOR SUBORDINATE COMMANDS
COMMANDERS, FORSCOM INSTALLATIONS

SUBJECT: FORSCOM Policy Memorandum CG-99-2, Commander's Coin
Medallion Awards Program

1. References:

- a. AR 600-8-22, 22 February 1995, Military Awards.
- b. AR 672-20, 1 June 1993, Incentive Awards.
- c. DA Pamphlet 672-20, Incentive Awards Handbook.
- d. Memorandum, HQ FORSCOM, AFPI-MWS, 18 March 1999, subject: Award of Trophies and Similar Devices in Recognition of Accomplishment.

2. Purpose: To establish guidelines to facilitate the proper use of unit coin medallions as part of an integrated command awards program recognizing our many great soldiers and civilian employees.

3. Scope. This policy does not extend to coin medallions purchased with personal or private funds, or official representation funds, and is limited in scope to coin medallions purchased with official operating funds.

4. Unit Coin Medallions.

a. Definition. Unit Coin Medallions are custom minted and emblazoned coins or similar items, typically with a unit insignia on one side and an inscription on the reverse side, presented by a commander, or on behalf of a commander, as an on-the-spot award to show recognition of accomplishment.

b. General. Within FORSCOM, the unit coin medallion is an important part of a commander's awards program. Uniquely personal in its presentation, and tied to the pride and history reflected in a unit's crest, the unit coin medallion provides commanders an effective means to timely recognize command personnel,

AFCG

**SUBJECT: FORSCOM Policy Memorandum CG-99-2, Commander's Coin
Medallion Awards Program**

military and civilian, for acts of exceptional service, and achievement. Administered as an integral part of a command's awards program, the unit coin medallion can significantly contribute to the esprit, pride, and cohesion of an organization.

c. Authority. Coins may be procured with operating funds and presented pursuant to the following authorities:

(1) 10 U.S.C. sec. 1125. Recognition for accomplishments, award of trophies.

(2) 5 U.S.C. sec. 4503. Agency Awards.

(3) 10 U.S.C. sec. 503, 10 U.S.C. sec. 3013(b)(1). Recruitment of personnel.

d. Purchasing. Pursuant to the authority provided by paragraph 11-4, AR 600-8-22, FORSCOM Major Subordinate commanders and FORSCOM installation commanders are delegated authority to expend a reasonable amount of locally available operating funds under their awards program to purchase unit coin medallions. This authority may be further delegated to battalion commander and command sergeant major level, and may include flag level deputies, assistant division commanders, and chiefs of staff.

(1) Unit coin medallions are intended to be a source of pride for the awardees and therefore must reflect the same quality, style, and design reflected in the more traditional medallion awards. As with all expenditure of public funds, commanders must remain sensitive to cost considerations in the selection of their unit coin medallion.

(2) Unit coin medallions will bear an inscription identifying it as an award, such as "For Excellence" or "In Recognition of Outstanding Performance." Coin medallions purchased prior to the effective date of this policy that do not bear the appropriate inscription may continue to be awarded until supplies are exhausted. Commanders will ensure, however, that once existing supplies are exhausted, replacement coins will bear the appropriate inscription.

(3) Commanders authorized to purchase and present unit coin medallions are authorized to purchase only one coin medallion design for their unit. As an exception to this rule, General officer commanders and equivalent level command sergeants major may authorize coin medallions reflecting their position in addition to the unit coin medallion.

AFCG

SUBJECT: FORSCOM Policy Memorandum CG-99-2, Commander's Coin
Medallion Awards Program

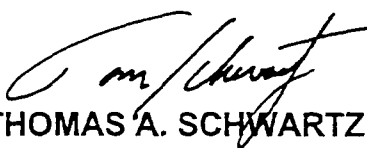
e. Presentation.

(1) The authority to award unit coin medallions is limited to those commanders and command sergeants major authorized to expend operating funds for the purchase of the medallions. In individual cases, those commanders and command sergeants major may authorize a subordinate commander or sergeant major to make a presentation on his or her behalf.

(2) Unit coin medallions may be presented for all purposes identified in the referenced authorities. As a part of the command's integrated awards program, the unit coin medallion may not be presented to peers or superiors of the awarding officer or noncommissioned officer, or as gifts. Medallions should not be routinely presented for an individual's performance of his or her regularly assigned duties.

5. Request for exceptions to this policy will be submitted in writing to the Deputy Commanding General, U. S. Army Forces Command. Nothing in this policy limits a commander's authority to issue a more restrictive local unit coin medallion policy.

6. Effective Date. This policy is effective 1 December 1999, and shall remain in effect until rescinded or superseded by the Commander, U.S. Army Forces Command.



THOMAS A. SCHWARTZ
General, USA
Commanding

The following is provided for your information and concerns language regarding wage rates in CA solicitations.

The Union at Fort Richardson approached the Directorate of Logistics and asked that a statement similar to the one below be included in their A76 solicitations. The statement was taken originally from an Air Force solicitation. The DA Labor Advisor provided rationale for why this statement or anything similar should not be included in our solicitations. His rationale is provided immediately following the clause.

Language the Union proposed to be added in CA solicitations:

"The USAF Academy bargaining unit employees are currently represented by the American Federation of Government employees AFL-CIO, (AFGE). Offerors are advised that AFGE, AFL-CIO has expressed as a matter of policy, that it fully intends to organize and/or argue successorship status for any group of employees currently represented by AFGE should any contractor bid prevail in the competitive sourcing process. Offerors are cautioned that the use of the blanket wage determination 94-2079(9) rates located at Attachment #2 to the solicitation may not reflect the true employment market conditions or potential unionization. Should a collective bargaining agreement be imposed during the first contract year, the contractor shall solely bear all the risk and increased cost of any resulting wage and associated cost increases. See FAR 52.222-10 Service Contract act of 1965 as amended. Most current wage information for current Air Force equivalents is located at page 17, Section I, Para. I-284 entitled "Statement of Equivalent Rates for Federal Hires." All Office of Personnel management wages may be found at <http://www.opm.gov>."

DA Labor Advisor Alfred Moreau provided the following rationale for why the clause should not be used in CA solicitations.

The clause should not be used in any solicitation involving A-76. Not only is it inaccurate on several key points, its obvious purpose is to discourage contractors from bidding. I discussed the "clause" with the Air Force Labor Advisor and he had not heard of it. The clause is incorrect on two key points;

1. It is my opinion that the AFGE's claim to "successorship" under section 4 (c) of the Service Contract Act (41 US Code 353(c)) is not sound. Successorship requires a succeeding contractor to pay any wages and benefits the workers would have been entitled to under a Collective Bargaining Agreement (CBA) which existed with the preceding contractor, if those wages and fringe benefits were the result of "arms-length negotiations". When one private sector contractor succeeds another, he is required by 4(c)) to honor the wages and fringe benefits required under an existing CBA with the prior contractor whether or not he agreed to the CBA. However, when a

private sector contractor takes over performance of functions that had previously been performed by Government personnel, there is no right of successorship, even if the Federal employees had a collective bargaining agreement, because the wages and fringe benefits in a Federal Sector CBA are not negotiated at arms length, with a few exceptions.

2. It is also not accurate to state that the contractor shall "solely " bear the risk of any increased costs resulting from a collective bargaining agreement imposed during the first year of performance. Any CBA negotiated during the first year of performance (after award) will be submitted to DOL and will likely be accepted as the official wage determination for the first option year of the contract. It will not be incorporated into the contract until then. Once the new CBA is incorporated into the contract, it becomes, in effect, the new wage determination. Since this new wage determination (CBA) is required by operation of law, any increases in wages and benefits it mandates are reimbursable to the contractor, under the provisions of FAR 52.222-43 (d) (2). In short, the first year will be governed by whatever wage determination is in the solicitation. Any CBA agreed to will not be incorporated into the contract until the second year of performance (first option exercise). Finally, the contractor can file a claim for reimbursement for any increase in wages and benefits, required by the CBA after it is adopted by The Labor Department as a replacement for the wage determination in the initial contract.

We agree with the advice. The opinion and advice have been coordinated with the SJA, HQ FORSCOM.